

COMMONWEALTH OF KENTUCKY
EXECUTIVE BRANCH ETHICS COMMISSION



**GUIDE TO THE
EXECUTIVE BRANCH
CODE OF ETHICS**

**for State Government Officers
and Employees**

**May 2007
(7th edition)**

This Guide provides general information only and the statements contained in it do not have the force and effect of law. Amendments to the ethics law, regulations, and advisory opinions may modify or supersede any or all statements in the Guide. For more information, employees should contact the Executive Branch Ethics Commission or refer to the current edition of the **Kentucky Revised Statutes, Chapter 11A**, and **Title 9** of the **Kentucky Administrative Regulations**.

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INTRODUCTION

This Guide explains the ethics laws contained in Kentucky Revised Statutes (KRS) Chapter 11A to which all state officers and employees (hereinafter referred to as “public servants” or “employees”) in the executive branch of state government are subject. Please read it carefully.

You are responsible for knowing and complying with these laws.

The citizens of the Commonwealth have a right to expect honesty from state employees and have confidence in their government. This Guide sets minimum standards of ethical behavior for public servants. However, as public servants, our goal should be to provide the public with the highest ethical standards of public service and not just the minimum. If we desire the citizens of the Commonwealth to view us as public servants worthy of their trust, we must each exercise good judgment, common sense, and ethical behavior.

This publication does not replace the actual law, nor does it explain all the ethical requirements to which you are subject. Additionally, the laws contained in KRS 11A may not provide guidance for all situations that you may encounter. If you have questions concerning a matter that is unclear or is not addressed in this Guide, you may contact the staff of the Executive Branch Ethics Commission at (502) 564-7954 for guidance, or review the Commission’s website at: <http://ethics.ky.gov/>.

EXECUTIVE BRANCH AGENCIES

Executive branch agencies are those state agencies which are headed directly or indirectly by the governor or another statewide elected official to carry out the laws of the Commonwealth. Executive branch agencies include state offices, cabinets, departments, boards, commissions, public corporations and authorities. For purposes of the Executive Branch Code of Ethics and this Guide, any agency included as part of the financial reporting entity of the Commonwealth as determined by the Finance and Administration Cabinet and audited by the Auditor of Public Accounts, both the primary government and its component units, excluding state colleges, universities, legislative, and judicial entities, and subject to revision by the legislature, is considered to be an executive branch agency. Thus, employees of such agencies are considered executive branch employees.

Employees of an agency that is directed by statute to adopt a code of ethics are exempt from the Executive Branch Code of Ethics.

A listing of executive branch agencies can be found in Appendix A. This list is intended to be all-inclusive, but is subject to error or omission.

In addition to employees of boards and commissions, *members* of certain boards and commissions also are subject to the Executive Branch Code of Ethics. A listing of these boards and commissions is provided in Appendix B.

*Source: KRS 11A.010(7); KRS 11A.015
Advisory Opinion 95-4*

GENERAL STANDARDS OF CONDUCT

It is the public policy of the Commonwealth that a public servant work for the benefit of the people of the Commonwealth. The Executive Branch Code of Ethics recognizes that public office is a public trust where government is based upon the consent of its citizens. Those citizens are entitled to have complete confidence in the integrity of their government. Thus, the following provisions provide general statements of required behavior of executive branch employees.

- Employees must be independent and impartial;
- Decisions and policies must not be made outside the established processes of government;
- Employees should not use public office to obtain private benefits;
- Employees' actions should promote public confidence in the integrity of government;
- Employees should not engage or be involved in any activity which has the potential to become a conflict of interest with their state employment.

Source: KRS 11A.005

SPECIFIC STANDARDS OF CONDUCT

GIFTS AND GRATUITIES

An executive branch employee, spouse or dependent child may not knowingly accept gifts or gratuities totaling a value greater than \$25 in a single calendar year, from any person or business that does business with, is regulated by, is seeking grants from, is involved in litigation against, or is lobbying or attempting to influence the actions of the state agency for which the employee works or from any group or association which has as its primary purpose the representation of such persons or businesses. Acceptance of such gifts may appear to be a conflict of interest and may damage public confidence.

Exceptions: As exceptions to the above prohibitions, acceptance of the following gifts is permissible:

- A campaign contribution to an employee's own campaign if in compliance with the campaign finance laws;
- A gift from a family member;
- Door prizes, available to the public;
- A ticket for admission to a sporting event if the ticket or admission is paid for by the employee at face value.

- A gift or gratuity received by an employee working directly on an economic incentive package or seeking to bring tourism to the state which was not solicited by the employee and was accepted in performance of the employee's official duty. Such gifts must be registered with the Commission and, if of a tangible value of more than \$25, must be turned over to the appropriate agency.
- The Commission may authorize other exceptions where an appearance of impropriety will not be created.

All gifts, including those listed above, received by an elected official or officer as defined in KRS 11A.010(7) which total \$200 or more annually from a single source must be disclosed on the employee's Statement of Financial Disclosure filed annually with the Commission.

Examples:

An employee inspects a business for safety violations. He may not accept a \$30 gift certificate from the business.

The father of an employee of the Transportation Cabinet works for a consulting firm that seeks to do business with the state. The employee may accept a gift from his father as long as his father is not acting for the consulting firm in the giving of the gift.

A Christmas gift valued at \$50 is sent from a potential vendor to the "state office". The gift should be returned to the potential vendor, if possible. Otherwise, the gift should be donated to charity and the gift's disposition should be documented.

A cabinet secretary receives a painting with a \$300 value from an old college friend who has no business or regulatory relationship with the state. The secretary may accept the painting, but must report the gift on his Statement of Financial Disclosure filed with the Commission.

As part of his official duty to promote economic development, an employee is involved with the expansion of a major automobile manufacturer within the state. Officials of that company provide the employee with a gift which has a \$50 value. The employee may accept the gift, but it must be registered with the Commission and turned over to the proper agency.

*Source: KRS 11A.045;
Advisory Opinion 94-19*

SOLICITATION

A state employee (or state agency) should not solicit money, goods, or services or accept donations from persons or businesses that do business with or are regulated by the agency for which the employee works unless the solicitation is to raise funds for a charitable, nonprofit organization. In addition, an employee should not accept donations from a person or business if that person or business is seeking to do business with the agency for which the employee works, unless the donation is to raise funds for a charitable, nonprofit organization. The appearance of a conflict of interest prohibits an employee or state agency from soliciting or accepting such donations.

Examples:

A local supermarket offers a donation of ground meat for a chili lunch to benefit the Kentucky Employees Charitable Campaign. Occasionally, someone who works for the agency for which you work makes purchases on behalf of that agency at the supermarket. You may accept the donation of meat from the supermarket because it is for a charitable nonprofit organization.

An employee of an agency that regulates utility companies, but who works within a separate division from the division that has direct regulatory control over the utility companies, wants to solicit donations from utility companies for a worthwhile environmental educational project. The employee is prohibited from soliciting donations from the utility companies.

An employee works for the agency which regulates some aspects of the work of architects on building projects his agency must review for approval. The employee is involved, privately, in a local Habitat for Humanity project on which a local architect has offered his services. The local Habitat for Humanity organization may solicit and accept the services of the architect.

Your agency is involved in planning its 40th anniversary celebration. You may not solicit vendors of your agency to contribute to such an event.

The national professional association for employees of your agency plans to host its annual meeting in Kentucky. As such, employees of your agency will be involved in the planning and conducting of the conference. Vendors of your agency wish to donate funds to sponsor a golf tournament. Employees of your agency should not solicit sponsors for the for the golf tournament who are vendors or are seeking to do business with your agency. However, the national professional association may seek such sponsors provided such solicitation does not involve employees of your agency.

Source: ***KRS 11A.055***

Advisory Opinions 93-45, 00-15

ENDORSEMENTS

State agencies and employees, acting as representatives of their respective agencies, should take great care not to reflect that they are endorsing or promoting a specific product or company. State agencies should not actively endorse or promote a company when no corresponding public benefit to the citizens of the Commonwealth or to the state's economic development will occur.

Public/private partnerships may be allowed when the purpose of partnering is to promote a state program that will benefit the entire Commonwealth or will promote economic development or tourism in the state. Such partnering should be open to any company interested in partnering.

Examples:

The Attorney General may provide a statement reflecting his views in an educational book on consumer scams related to the mission of the Office of the Attorney General, provided the statement does not reflect that it is promoting the sale of the book.

The Kentucky State Police may not allow Ford Motor Company to use the state police insignia on a sport utility vehicle ("SUV") display model for use in promoting the use of SUVs by law enforcement agencies.

Materials distributed by private companies which are merely brochures advertising a state program and do not identify the private company, other than to state "printed by" and the company's name, are permitted.

Source: KRS 11A.020(1)(d)
Advisory Opinions 00-18, 00-24, 02-21

NEPOTISM

A family member of a public servant is not prohibited from employment in the same state agency as the public servant. However, a public servant may not advocate or influence in any way the employment, appointment, promotion, transfer, or advancement of a member of the public servant's family to an executive branch position of employment that the public servant directly supervises or manages.

Specifically, employees may not interview, recommend, or approve family members for positions within their employing agencies. They should not directly supervise a family member, evaluate a family member's job performance, or participate in an action relating to the discipline of a member of the public servant's family.

Family members include spouse and children, parents, brothers, sisters, grandparents, grandchildren, father-in-law, mother-in-law, brother-in-laws, sister-in-laws, son-in-laws, daughters-in-laws, stepfather, stepmother, stepsons, stepdaughters, stepbrothers, stepsisters, half brothers, and half sisters.

Examples:

The Attorney General may not hire his son for summer employment in the Office of the Attorney General.

You are a newly elected property valuation administrator (“PVA”) in your county. You may not hire your spouse or any other family member to work for you in the PVA office.

Your brother-in-law seeks employment with the Transportation Cabinet. As chief of staff for the Office of the Governor, you should not recommend to Transportation cabinet officials that he be employed.

An employee of a state park should not supervise or evaluate other park employees who may be family members.

*Source: KRS 11A.020(1)(a), (c) and (d), KRS 11A.010(4)
Advisory Opinion 04-34*

GENERAL CONFLICTS OF INTEREST

An employee must not knowingly:

- Use or attempt to use his influence in a matter which involves a substantial conflict between the employee’s personal or private interest and duties in the public interest;
- Use or attempt to use any means to influence a public agency in disregard of the public interest at large;
- Use his official position or office to obtain financial gain for himself or any family member;
- Use or attempt to use his official position for personal privileges or advantages in disregard of the public interest at large.

An employee who appears before a state agency must avoid all conduct which in any way might lead the public to believe that the employee is using his official position to further his professional or private interest.

An employee who abstains from involvement in an official decision because of a personal or private interest must disclose that fact in writing to his supervisor.

An employee must not disclose or use confidential information acquired in the course of his official duties in order to further his own economic interests or the interests of another person.

Examples:

As an employee, you develop a software program on your own time similar to that which is used by the agency for which you work. You intend to market this software to outside attorneys who are involved with your agency in litigation. Because you would be using your official position for financial gain, you may not market your software to the same private attorneys with whom you have contact through your state employment.

In your state employment, you become aware of confidential bond information which you could use to help your personal investments. You may not use the information obtained for your own personal advantage.

You are employed as an auditor for the state agency responsible for auditing county governments. As such you are involved in the annual audit of various counties, including the one in which you live. You have been asked to serve on an “ethics board” for the county in which you live. You will be paid a certain amount per diem for your services. You may not serve on a board and receive compensation from the county which is regulated by the agency for which you work.

Field representatives for the Office of the Governor should not send employment recommendations to state agencies based strictly on the applicant’s political involvement with no direct knowledge of the applicant’s qualifications or capabilities.

Source: *KRS 11A.020, KRS 11A.040(1);*
 Advisory Opinions 93-12, 93-18, 93-37, 03-8

STOCK OWNERSHIP

An employee, his spouse and his dependent children should not own an interest with a value of 5% or more of an entity that does business with the state agency for which the employer works, unless the stock or other interest is purchased exclusively through participation in a publicly traded mutual fund where the purchasing and selling decisions are completely out of the control of the employee or spouse

Additionally, an employee, his spouse and his dependent children should not own an interest with a value of 5% or more of an entity that is regulated by the state agency for which the employee works, unless:

- 1) The stock or other interest is purchased exclusively through participation in a publicly traded mutual fund where the purchasing and selling decisions are completely out of the control of the employee or spouse; or
- 2) In his state employment, neither the employee, nor anyone under his supervision is directly involved in any matters concerning the company or other entity of which he owns an interest.

Examples:

The spouse of the director of the division responsible for telecommunications owns an interest of more than 5% in a communications company that does business with the division for which the director works. The director's spouse may retain an interest in the company up to a value of 5%, but must divest any interest he or she has in the company which is over 5%.

An employee of the department responsible for state computer systems owns \$20,000, but less than 5%, of stock in a computer company that sells products to the employee's department. As a part of his official duty, the employee is not directly involved in any matters concerning the company of which he owns an interest. He is not required to divest himself of any of his stock.

Source: *KRS 11A.040(4)*
 Advisory Opinion 00-20

REPRESENTATION OF THE COMMONWEALTH

An employee must not knowingly act as a representative of the state in the transaction of any business or regulatory matters with any business of which the employee or a member of his family owns more than five percent (5%).

"Family" includes an employee's spouse and children, as well as an employee's parent, brother, sister, grandparent, grandchild, father-in-law, mother-in-law, brother-in-law, sister-in-law, son-in-law, daughter-in-law, stepfather, stepmother, stepson, stepdaughter, stepbrother, stepsister, half brother, or half sister.

Examples:

An agriculture inspector owns an egg business that he leases to a non-family member. As part of his state employment, the inspector inspects businesses that purchase eggs from his leased egg business. The inspector, a representative of the state, is prohibited from inspecting businesses that purchase eggs from his leased egg business.

Your husband owns a business that is inspected and regulated by the division for which you work. You must not inspect your spouse's business or any business that is in competition with your spouse's business. In addition, you should not work in the same division as inspectors of your spouse's business.

Source: *KRS 11A.040(3), KRS 11A.010(4); Advisory Opinions 93-26, 94-15*

CONTRACTS OR AGREEMENTS WITH THE COMMONWEALTH

An employee, spouse, or business of which employee or spouse owns at least five percent (5%), must not knowingly have any agreement or contract with the state agency for which the employee works. This includes contracts that are awarded through a competitive bid process and also grants that are awarded by state agencies. This provision does not apply to agreements made pursuant to eminent domain, those involving funds disbursed through entitlement funds, sales of craft items to a state park by interim state employees designated as craft persons, or purchases from a state agency that are available on the same terms to the general public or that are made at public auction.

In addition, all contracts and agreements between an employee and a state agency must comply with the Model Procurement Code in KRS Chapter 45A.

Examples:

You own a computer products company and wish to sell your products to the state agency for which you work. You are prohibited from selling any products to your state agency.

Your spouse owns and operates a catering business and wishes to cater a Christmas party for a state agency for which you do not work. Your spouse is not prohibited from providing the catering services, provided he or she is in compliance with the Model Procurement Code.

You are employed by the Department of Corrections as a dentist. You may not provide services for a private professional service corporation that will fulfill a service the professional service corporation provides for your agency.

*Source: KRS 11A.040(4);
Advisory Opinion 93-15, 96-38*

HONORARIA

Without the approval of the Commission, an employee must not knowingly accept compensation, other than state salary, for performance of his official duty. An employee is permitted to accept compensation for providing a service which is not a part of the official duty directed by his supervisor. Such service must be performed on the employee's own time and without the use of state resources.

Examples:

The branch manager for the traffic safety division is asked to give a speech on hybrid tea roses to a garden club at night. The manager may accept the \$50 honorarium given by the garden club because the speech is not a part of the employee's official duty and is given on the employee's own time.

The secretary of a cabinet is asked to give a commencement address at a state university. Part of the secretary's official duties involves speaking at commencement ceremonies. Thus, without the approval of the Commission, the secretary may not accept the honorarium.

You are required to perform jury duty service for a month. You may accept the compensation for jury duty service in addition to your state salary since jury duty is not part of your official employment duty.

*Source: KRS 11A.040(5);
Advisory Opinions 93-31, 94-14*

OUTSIDE EMPLOYMENT

An employee is prohibited from accepting outside employment from any person or business that does business with or is regulated by the state agency for which the employee works unless the outside employment is approved by the employee's appointing authority. To obtain approval for such outside employment, an employee must submit a statement to his appointing authority affirming that in his state employment he is not involved in any decisions concerning the outside employer for whom he wishes to work. The appointing authority may not approve the outside employment if the employee is involved in any matters concerning the outside employer for whom he wishes to work.

The Code of Ethics does not prohibit an employee from accepting outside employment with a state college or university as long as such employment does not interfere or conflict with the employee's state employment duties.

Examples:

You work as a youth social worker for the state. In addition, you would like to obtain outside employment with a nursing home that is regulated by the agency for which you work. You are not involved in any decisions concerning nursing homes in your state employment. You may accept outside employment with the nursing home if you submit a request and obtain the approval of your appointing authority.

You work as a nurse for a state-administered hospital. In addition, you sell beauty products for a company which is not regulated by, nor does business with, the state agency for which you work. You may continue your outside employment because there is no business or regulatory relationship between the state agency for which you work and the beauty product company. No approval is needed from your appointing authority unless it is required by an in-house policy.

You work as a state inspector of pharmacies. You wish to obtain weekend employment at a local pharmacy which you inspect. You are involved in your state employment in decisions concerning the outside employer for whom you wish to work. Thus, you are prohibited from such outside employment.

Source: KRS 11A.040(10), 9 KAR 1:050

POST-EMPLOYMENT RESTRICTIONS

A former employee is prohibited for one year following termination of employment from acting as or employing a lobbyist in matters in which the former employee was directly involved during the last three years of his state tenure. The term “lobbyist” includes an executive agency lobbyist registered with the Commission as well as a legislative agent registered with the Kentucky Legislative Ethics Commission. A former employee also is prohibited for one year following termination of employment from representing a person or business before a state agency in a matter in which the former employee was directly involved during the last three years of his state tenure. “Representing” includes attending an agency proceeding, writing a letter, or communicating with an employee of an agency on behalf of someone else. “Directly involved” modifies the word “matter” and means to work on personally or to supervise someone who works on personally.

A current or former officer or elected official is prohibited for six months following termination of employment from accepting employment or compensation from any person or business that does business with, or is regulated by, the state in a matter in which he was directly involved during the last 36 months of his state tenure. An officer is allowed to return to the same business or profession in which he was involved prior to state employment, but, for six months, must not work on any matter in which he was directly involved during the last 36 months of his state employment.

In addition, a former officer or elected official is prohibited, for six months, from knowingly, by himself or through a business of which he owns at least 5%, contracting or having an agreement with the state agency for which he formerly worked. This restriction does not apply to former officers of the Department of Public Advocacy whose continual representation of clients is necessary in order to prevent an adverse effect on the client.

The Code of Ethics does not prohibit a former employee from accepting employment with a state college or university immediately following termination of his state employment.

Examples:

A former employee was responsible for reviewing permit applications from various companies. He was not considered an officer. The former employee wishes to obtain employment with a company for which he had reviewed permit applications during his recent employment. His new employment will involve representing the company in new permit applications before the employee's former agency. The employee may accept employment with the company, but for one year following his termination, must refrain from representing the company before his former agency in specific permit matters in which he was directly involved.

A commissioner of a regulatory department is considering seeking employment, upon resignation, with an entity that is regulated by the agency that he heads. The commissioner will be returning to his former profession. The commissioner may accept employment

with the outside entity that his agency regulates, but for six months must refrain from working on any matter involving the agency that he formerly headed. In addition, for one year, the commissioner may not act as a lobbyist or represent his employer before his former state agency.

You are relieved from your job as a division director because of differences with your supervisors. Even though your termination was involuntary, you are still subject to the post-employment restrictions.

*Source: KRS 11A.040(6), (7), (8), (9);
Advisory Opinions 92-8, 94-54, 94-69*

FINANCIAL DISCLOSURE

Elected officials, officers, and candidates for executive branch offices are required annually to file statements of financial disclosure. The disclosure statements are public records and are used to identify conflicts or potential conflicts of interest. The Commission is required to audit the statements.

The Commission will notify you if you are required to file a disclosure statement. The Statement of Financial Disclosure may be found on the Commission's website: <http://ethics.ky.gov/>.

Additionally, if you are not an officer or elected official, but wish to voluntarily file a statement of financial disclosure, you may do so. Please contact the Commission for a statement of financial disclosure form.

Source: KRS 11A.050

EXECUTIVE BRANCH ETHICS COMMISSION

The Executive Branch Ethics Commission is composed of five members appointed by the governor to serve staggered terms of four years. The Commission is responsible for providing guidance, issuing advisory opinions, and investigating potential violations of KRS Chapter 11A. You are encouraged to seek guidance from the Commission staff if you have questions concerning ethical matters which are not answered in this Guide. The Commission staff will provide you with guidance or refer your request to the Commission for an advisory opinion.

The Commission meets bimonthly to discuss advisory opinions and other matters. Meetings are open to the public. Please contact the Commission office for specific meeting dates. Investigatory matters are discussed in executive sessions which by law are not open to the public.

Source: KRS 11A.060, KRS 11A.110

ADVISORY OPINIONS

The Executive Branch Ethics Commission is authorized to interpret the provisions in KRS Chapter 11A and issue advisory opinions. If you are unclear as to the requirements of the Code of Ethics or have questions which are not answered by the Code, you may seek an advisory opinion from the Executive Branch Ethics Commission. The Commission must receive a written request for an advisory opinion at least two weeks prior to a scheduled meeting for the request to appear on the agenda for the meeting. Please include all information relative to the situation about which you inquire. The Commission staff may contact you for additional information prior to the issuance of an advisory opinion.

A draft opinion will be reviewed by the Commission at a public meeting which you may attend. The Commission will make a determination in response to your request. Upon approval of the draft, you will be sent a copy of the final advisory opinion. An advisory opinion may protect you in the event that a complaint is filed against you. Advisory opinions are enforceable unless a court of law declares otherwise.

Source: KRS 11A.110(1)

INVESTIGATIONS

The Executive Branch Ethics Commission must investigate an alleged violation of KRS Chapter 11A upon receiving a complaint signed under penalty of perjury. The Commission may also investigate an alleged violation upon its own motion. Information received by the Commission staff in person, by telephone, by letter or through the media that indicates an employee may have violated the Code is researched and, if it appears to be valid, is presented to the Commission for determination as to whether to initiate a preliminary investigation upon its own motion.

Within ten days of the initiation of the preliminary investigation, the Commission must forward to the alleged violator a copy of the complaint (if applicable) and a general statement of the law violated. Thus, the Commission will notify you if you are under investigation.

Unless an alleged violator publicly discloses the existence of the preliminary investigation, the Commission is required to keep confidential the details of the preliminary investigation until the Commission determines probable cause of a violation and initiates an administrative proceeding to determine whether there has been a violation. However, the Commission may inform a referring state agency of the status of, or any action taken on, an investigative matter referred to the Commission by the agency. If, during the preliminary investigation, evidence is not sufficient to show probable cause of a violation, the employee is confidentially informed that the investigation is terminated and such notification remains confidential. This confidentiality is designed to protect the reputation of an employee who is falsely accused of a violation or against whom there is insufficient evidence to warrant further action.

The Commission may find probable cause of a violation during a preliminary investigation, but, due to mitigating circumstances (such as lack of financial gain to the employee, lack of loss to the state, and lack of impact on public confidence) may confidentially reprimand the alleged violator rather than initiate an administrative proceeding.

All administrative hearings of the Commission are public unless the Commission votes to go into executive session in accordance with the open meetings law. During the administrative hearing, the alleged violator has due process rights to be represented by counsel, call witnesses, introduce exhibits, and cross examine witnesses. A final determination whether a violation occurred is made by the Commission. A respondent may appeal a final Commission order to the Franklin Circuit Court for judicial review. A respondent must file such an appeal within thirty (30) days of being served with the Commission's order.

Source: KRS 11A.080, KRS 11A.100

PENALTIES

The Executive Branch Ethics Commission, upon clear and convincing proof of a violation of the Code of Ethics may:

- Require the violator to cease and desist the violation;
- Require the violator to file any required report or statement;
- Publicly reprimand the violator;
- Recommend to the violator's appointing authority that he be removed from office;
- Issue a civil penalty of not more than \$5,000 for each violation.

In addition, violations of KRS 11A.040 must be referred to the Attorney General for criminal prosecution. Any person who is found in violation of KRS 11A.040 is guilty of a Class D felony which is punishable by one to five years in jail and additional fines.

An employee who fails to file with the Commission his statement of financial disclosure by the due date will have his salary withheld until the statement is filed.

Source: KRS 11A.100, KRS 11A.990

EXECUTIVE AGENCY LOBBYING

Persons and entities engaged to make contacts with executive agency officials or staff in an attempt to influence a decision concerning the expenditure of state funds are executive agency lobbyists and are required to register with the Executive Branch Ethics Commission

An executive agency lobbyist must report to the Commission annually any expenditure made to or on behalf of an executive branch employee. In addition, the executive agency lobbyist is required to report any financial transaction he has with, or for the benefit of, an executive branch employee. A copy of the required expenditure or financial transaction statement must be sent to the official or employee by the lobbyist at least ten days prior to the date it is filed with the Commission.

Executive agency lobbyists are issued a registration card upon registration. You may request to see the registration card of a person who is attempting to influence a decision to be made concerning state funds.

For more information on executive agency lobbying, you may request an executive agency lobbying handbook from the Executive Branch Ethics Commission.

Source: KRS 11A.201-246

IN ADDITION...

An executive branch agency may adopt internal policies concerning ethics as long as the policies are at least as restrictive as, and do not conflict with, the Executive Branch Code of Ethics. As an agency employee, you are subject to the ethics policies adopted by the agency for which you work.

Employees also are subject to laws that are ethical in nature relating to procurement, personnel, open records, open meetings, campaign finance, and criminal law.

State legislators and legislative agents are subject to a code of ethics administered by the Kentucky Legislative Ethics Commission.

APPENDICES

CONSTITUTIONAL AGENCIES/ELECTED OFFICIALS

Commissioner of Agriculture

Kentucky Council on Agriculture
Kentucky Grain Insurance Corporation

Office of the Attorney General

Unified Prosecutorial System

Auditor of Public Accounts

Office of the Governor

Governor's Office for Local Development
Kentucky Infrastructure Authority
Governor's Scholars Program
Kentucky Agency for Substance Abuse
Kentucky Agriculture Finance Corporation
Office of Minority Empowerment
Office of Homeland Security

Governor's Council on Wellness and Physical Activity
Department of Military Affairs
Kentucky Commission on Human Rights
Kentucky Commission on Women
Office of the State Budget Director
Department of Veteran's Affairs
Kentucky Commission on Military Affairs
Agricultural Development Board

Office of the Lieutenant Governor

Secretary of State

Board of Elections
Registry of Election Finance

State Treasurer

COMMERCE CABINET

Office of the Secretary

Office of Energy Policy

Office of Creative Services

Office of Capital Plaza Operations

Office of Kentucky Sports Authority

Kentucky Foundation for the Arts

Office of Arts and Cultural Heritage

Kentucky Humanities Council

Kentucky State Fair Board

Kentucky Heritage Council

Kentucky African-American

Heritage Commission

Kentucky Arts Council

Kentucky Historical Society

Kentucky Center for the Arts

Department of Fish & Wildlife

Resources

Kentucky Horse Park

Kentucky Department of Parks

State Parks Commission

Kentucky Artisans Center at

Berea

Martin Luther King Commission

Department of Tourism

Northern Kentucky Convention Center

Eastern Kentucky Convention Center

ECONOMIC DEVELOPMENT CABINET

Office of the Secretary

Kentucky Economic Development Partnership

Kentucky Economic Development Finance3 Authority

Department of Financial Incentives

Department for Existing Business Development

Department of Commercialization and Innovation

Bluegrass State Skills Corporation

Tobacco Research Board

Commission on Small Business Advocacy

EDUCATION CABINET

Office of the Secretary

Office of Legal Services

Office of Communication

Office of Legislative and Intergovernmental Affairs

Office of Budget and Administration

Department of Workforce Investment

Office for the Blind

Office of Vocational Rehabilitation

Office of Career and Technical Education

Office of Employment and Training

Department of Education

Kentucky Board of Education

The Early Childhood Development
Authority

Early Childhood Business Council

Early Childhood Professional Development
Council

Council on Postsecondary Education

Foundation for Adult Education

(EDUCATION CABINET CONTINUED)

Education Professional Standards Board
Statewide Independent Living Council
Statewide Council for Vocational Rehabilitation
Foundation for Workforce Development
Unemployment Insurance Commission
Kentucky Workforce Investment Board
Kentucky office for the Blind State Rehabilitation Council

Kentucky Technical Education Personnel Board
Department for Libraries and Archives
Kentucky Education Television
Kentucky Commission on the Deaf and Hard of Hearing
Kentucky Center for School Safety
Kentucky Environmental Education Council

ENVIRONMENTAL AND PUBLIC PROTECTION CABINET

Office of the Secretary
Mine Safety Review Commission
Worker's Compensation Board
Kentucky State Nature Preserves Commission
Kentucky Environmental Quality Commission
Kentucky Occupational Safety and Health Review
Department for Environmental Protection
Department for Natural Resources
Department for Public Protection
 Crime Victims Compensation Board
 Board of Claims
 Board of Tax Appeals
 Kentucky Boxing and Wrestling Authority
 Kentucky Horse Racing Authority
 Kentucky Public Service Commission
 Office of Alcoholic Beverage Control

Office of Charitable Gaming
Office of financial Institutions
Office of Housing, Buildings and Construction
Office of Insurance
Department of Labor
Workers Compensation Funding Commission
Kentucky Labor-Management Advisory Council
Occupational Safety and Health Standards Board
Prevailing Wage Review Board
Kentucky Employers Insurance Association
Apprenticeship and Training Council
State Labor Relations Board
Workers Compensation Advisory Council
Workers Compensation Nominating Commission
Employers Mutual Insurance Authority

FINANCE AND ADMINISTRATION CABINET

Commonwealth Office of Technology
Department for Facilities and Support Services
Department of Revenue
Historic Properties Advisory Council
Kentucky Employees Retirement Systems
Kentucky Higher Education Assistance Authority
Kentucky Higher Education Student Loan Corporation
Kentucky Housing Corporation
*Kentucky Lottery Corporation
Kentucky River Authority
Kentucky Savings Bond Authority
Kentucky Teachers' Retirement System Board of Trustees

Kentucky Tobacco Settlement Trust Corporation
Local Correctional Facilities Construction Authority
Office of Administrative Services
Office of General Counsel
Office of Public Information
Office of the Controller
Office of the Secretary
School Facilities Construction Commission
State board for Proprietary Education
State Investment Commission
State Investment Commission
State Property and Buildings Commission
Turnpike authority of Kentucky

HEALTH AND FAMILY SERVICES CABINET

Department for Community Based Services
Department for Disability Determination Services
Department for Human Support Services
Department for Mental Health and Mental Retardation Services
Department for Public Health and Family Services
Department for Medicaid Services

Governor's Office of Wellness and Physical Activity
Kentucky Commission for Children with Special Health Care Needs
Kentucky Commission on Community Volunteerism and Service
Office of the Secretary

JUSTICE AND PUBLIC SAFETY CABINET

Office of the Secretary
Criminal Justice Council
Office of Legal Services
Office of the State Medical Examiner
Office of Drug Control Policy
Parole Board
Kentucky State Police

Kentucky Vehicle Enforcement
Department of Criminal Justice Training
Department of Juvenile Justice and Public Safety
Cabinet Department of Corrections
Commission on Corrections and Community Service
Kentucky State Corrections Commission
Department for Public Advocacy

PERSONNEL CABINET

Office of the Secretary
Department for Personnel Administration
Department for Employee Insurance

Kentucky Public Employees Deferred Compensation
Authority

TRANSPORTATION CABINET

Office of the Secretary
Department of Intergovernmental Programs
Department of Administrative Services

Department of Aviation
Kentucky Airport Zoning Commission
Department of Highways
Department of Vehicle Regulation

GENERAL GOVERNMENT BOARDS AND COMMISSIONS

Accountancy
Alcohol and Drug Counselors
Athletic Commission
Auctioneers
Barbering
Certification for Dietitians and Nutritionists
Certification for Professional Art Therapists
Certification of Fee-Based Pastoral Counselors
Certification of Marriage and Family Therapists
Chiropractic Examiners
Dentistry
Embalmers and Funeral Directors
Emergency Medical Services
Examiners and Registration of Architects
Examiners and Registration of Landscape Architects
Examiners of Psychology
Executive Branch Ethics Commission
Hairdressers and Cosmetologists
Heating, Ventilation and Air Conditioning Contractors
Interpreters for the Deaf/Hard of Hearing
Licensure for Massage Therapy
Licensure for Nursing Home Administrators

Licensure for Occupational Therapy
Licensure for Professional Engineers and Land
Surveyors
Medical Licensure
Nursing
Ophthalmic Dispensers
Optometric Examiners
Personnel Board
Pharmacy
Physical Therapy
Podiatry
Private Investigators
Professional Counselors
Real Estate Appraisers
Real Estate Commission
Registration for Professional Geologists
Respiratory Care
Social Work
Specialists in Hearing Instruments
Speech-Language Pathology and Audiology
Veterinary Examiners

* Exempt from the Executive Branch Code of Ethics (KRS 11A.015)

APPENDIX B

In addition to employees of all boards and commission, **members** of the following boards and commissions are also subject to the Executive Branch Code of Ethics:

- Board of Claims
- Board of Tax Appeals
- Charitable Asset Administration Board
- Council on Postsecondary Education
- Employers' Mutual Insurance Authority
- Kentucky Board of Education
- Kentucky Retirement Systems Board of Trustees
- Occupational Safety and Health Review Commission
- Parole Board
- Public Service Commission
- State Board for Adult and Technical Education
- Workers' Compensation Board and its
Administrative Law Judges

Source: KRS 11A.010(7), KRS 342.837

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